

\*\*E-filed 2/21/06\*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a Washington  
Corporation,

Plaintiff,

v.

SUNCREST ENTERPRISE, a California  
corporation; and YI-LING CHEN, an individual  
a/k/a EILEEN CHEN,

Defendants.

CASE NO. 03-CV-5424-JF/HRL

**[PROPOSED] ORDER GRANTING  
MICROSOFT CORPORATION'S  
MOTION TO FILE UNDER SEAL  
PORTIONS OF THE DEPOSITION OF  
KRISTI BANKHEAD IN CONNECTION  
ITS MOTION FOR SUMMARY  
JUDGMENT**

Local Rules 7-11 and 79-5(b)

Honorable Jeremy Fogel

SUNCREST ENTERPRISE, INC., a California  
corporation,

Third Party Claimant,

v.

M-PLUS INTERNATIONAL TECHNOLOGY,  
INC., a California corporation; SIMON PL YU,  
an individual; and AILEEN Y, JIN, an  
individual,

Cross-Defendants.

1 The Court, having considered Plaintiff Microsoft Corporation's Motion to File Under Seal,  
2 and all other relevant records on file in this matter, and for good cause appearing,

3 IT IS HEREBY ORDERED that the following portions of the transcript of the deposition  
4 of Kristi Lamb Bankhead be filed under seal and not appear on the public docket:


- 5 1. Pages 46 through 51;  
6 2. Pages 53 through 58; and  
7 3. Pages 62 through 64.

8  
9 DATED: 2/21/06

  
Honorable Jeremy Fogel  
UNITED STATES DISTRICT JUDGE

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12 Respectfully submitted by:

13  
14 **PERKINS COIE LLP**

15  
16 By:   
17 Katherine M. Dugdale  
18 Attorneys for Plaintiff  
MICROSOFT CORPORATION

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On February 3, 2006, I served a true copy of **[PROPOSED] ORDER GRANTING MICROSOFT CORPORATION'S MOTION TO FILE UNDER SEAL PORTIONS OF THE DEPOSITION OF KRISTI BANKHEAD INN CONNECTION WITH ITS MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

**John C. Gorman**  
**Craig Alan Hansen**  
**GORMAN & MILLER, P.C.**  
**210 North Fourth Street, Suite 200**  
**San Jose, CA 95112**  
**Telephone: (408) 297-2222**  
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**Attorneys for Defendant/Cross-Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN**

**Shawn T. Leuthold**  
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**1671 The Alameda, Suite 309**  
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**Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)**

☐ **BY MAIL)** I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

☒ **(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

☐ **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

1 [ ] **(BY E-MAIL)** I served a true copy of on the interested parties in this action by  
2 email, addressed as follows:

3 [ ] **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be  
4 sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

5 [ ] **(STATE)** I declare under penalty of perjury under the laws of the State of  
6 California that the above is true and correct.

7 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of  
8 this court at whose direction the service was made.

9 Executed on February 3, 2006, at Santa Monica, California.

10   
11 SANAYE KUMAGAI